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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/767,331

01/30/2004

Yukio Fukui

P24873

5222

7590 04/11/2008  
Bruce H. Bernstein  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191

EXAMINER

SHAAWAT, MUSSA A

ART UNIT

PAPER NUMBER

3627

MAIL DATE

DELIVERY MODE

04/11/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/767,331	<b>Applicant(s)</b> FUKUI ET AL.	
	<b>Examiner</b> MUSSA A. SHAAWAT	<b>Art Unit</b> 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This action is in response to amendment filed on 12/26/2007 . Claims 1-17 are pending examination.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchida PCT Pub. No. (WO 02/17148 A1) referred to hereinafter as Tsuchida. (For purpose of examination, US Patent No. (7,003,371) will be used as a true translation of PCT Pub. No. (WO/0217148 A1))

As per claim 1 Tsuchida teaches a processing program edition conferencing method that enables an initial contractor that receives a request to manufacture a sheet metal product, to virtually examine the manufacturing work for the sheet metal product using their own computer (see col.5 line 15-col.6 line 10), the method comprising: the computer of the outsourcing center logging in to the computer of the initial contractor; and the computer of the outsourcing center thus logged in to the computer of the initial contractor, operating the computer of the initial contractor based on instructions related to a processing edition conference from the initial contractor (see at least col.6 lines 25-30).

Although Tsuchida teaches an outsourcing service center 14 accesses the file server 15 and receives the electronic drawing data Dx from the orderer (i.e. requestor) through the file server 15, which has been sent from the supplier 12 (i.e. initial contractor) see for example (col.6 lines 25-30), Tsuchida does not expressly teach a supplier prompting a computer of an outsourcing service center to logon to the computer of the initial contractor or supplier. It would have been obvious to one of ordinary skill in the art to modify the disclosure of Tsuchida to include a supplier or initial contractor prompting a computer of an outsourcing service center to logon to the computer of the initial contractor or supplier in order allow the outsourcing service center to download and view all the necessary information it needs to perform it's duty as instructed by the supplier or initial contractor.

As per claim 2 Tsuchida teaches processing program edition conferencing method according to claim 1, wherein operation of the computer of the initial contractor in connection with the processing edition conference includes creating a control program for an NC machine tool for producing the sheet metal product (see at least col.2 lines 55-61).

As per claim 3, Tsuchida teaches a processing program edition conferencing method according to claim 1 wherein operation of the computer of the initial contractor in connection with the processing edition conference includes calculating an estimate for the product (see at least col.2 lines 55-61).

As per claim 4, Tsuchida teaches a processing program edition conferencing method according to claim 1, further comprising accumulating data obtained by

operation of the computer of the initial contractor in connection with the processing edition conference, in a memory of the computer of the initial contractor (see at least col.5 line 15-col.6 line 56).

As per claim 5, Tsuchida teaches a processing program edition conferencing method according to claim 1, further comprising accumulating data obtained by operation of the computer of the initial contractor in connection with the processing edition conference, in a memory of the computer of the outsourcing service center (see at least col.5 line 15-col.6 line 56).

As per claims 6-17, the limitations of claims 6-17 are similar to the limitations of claims 1-5, therefore they are rejected based on the same rationale.

3. Examine Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to form 892 for cited references.

5. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mussa A. Shaawat whose telephone number is 571-272-2945. The examiner can normally be reached on Mon-Fri (8am-5:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mussa Shaawat  
Patent Examiner  
March 13, 2008

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627